

April 1, 2012

CC Docket No. 02-6
Request for Waiver

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Madame Dortch:

Appellant name:	BENSON UNIFIED SCHOOL DISTRICT
Applicant name:	BENSON UNIFIED SCHOOL DISTRICT
BEN:	143062
FY:	2005
471 #:	473356
FRNs:	1314806, 1315182, 1315732
486#:	876385

Decision to be appealed: 120 Day 486 Deadline

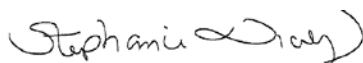
Basis of appeal:

The Benson Unified School District respectfully requests that the 486 Service Start Date be reset to July 1, 2005 for the listed FRNs. These FRNs were originally denied and were appealed to the FCC for further review. After several years, the FCC granted the appeal and remanded the case back to USAC. The District missed the 120 day deadline from the revised FCDL by only two days. The Reminder letter issued on November 16, 2011 arrived during the District's Thanksgiving Day holiday and was not received by the intended staff.

Furthermore, on December 16, 2010, the FCC ruled in DA10-2352, that in a similar appeal that "applicants missed a USAC procedural deadline and did not violate a Commission rule" and similar appeals were thus upheld. Likewise, DA 12-28, released on January 12, 2012, further affirms this ruling. We believe the spirit of the rulings favor the review of the 486 Service Start dates for the above listed FRN.

We respectfully request that the 486 Deadline be entered as submitted as 7/1/2005.

Thank you,



Stephanie Nicely
Consultant

Enclosure: Letter of Agency 2005



Benson Unified School District #9
360 S. Patagonia St, Benson AZ 85602
Phone: (520) 720-6732
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December 7, 2011

Nicely Done Consulting
3820 W Happy Valley Road
Suite 141, #497
Glendale, AZ 85310

Re: Letter of Agency for Funding Year 2005-06

This is to confirm our participation with **Nicely Done Consulting** for the procurement of all **Internet Services, Telecommunications Services (Cellular Phone, Long Distance Service, and Local Phone Service), Internal Connections, Basic Maintenance of Internal Connections and any eligible E-rate Services**. I hereby authorize **Nicely Done Consulting** to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the **Benson Unified School District**.

I understand that, in submitting these forms on our behalf, you are making certifications for **Benson Unified School District**. By signing this Letter of Agency, I make the following certifications:

(a) I certify that schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

(b) I certify that our school district has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our school/school district is covered by a technology plan(s) that is/are written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):

_____ an individual technology plan for using the services requested in this application; and/or

☒ higher-level technology plan(s) for using the services requested in this application; or

_____ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).

(e) I certify that our school district has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to Nicely Done Consulting for E-rate submission is true.

Name of Entity: Benson Unified School District

Signature: _____



Date: December 7, 2011

Name: Connie Ayres

Title: Business Manager